

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

| | |
|----------------------------------|---|
| COREY JACKSON, 13026407, |) |
| Petitioner, |) |
| |) |
| v. |) |
| |) |
| |) |
| UNITED STATES OF AMERICA, |) |
| Respondent. |) |

No. 3:13-CV-4075-K

MEMORANDUM OPINION AND ORDER

Before the Court is Petitioner Corey Jackson’s (“Petitioner’s”) petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

I. Background

Petitioner filed this petition on October 8, 2013. He did not pay the filing fee or file a request to proceed *in forma pauperis*. On October 9, 2013, the Court sent Petitioner a notice of deficiency and directed the Clerk of the Court to send Petitioner a form application to proceed *in forma pauperis*. The notice of deficiency informed Petitioner that failure to cure the deficiency within thirty days could result in dismissal of his petition. More than thirty days have passed and Petitioner has failed to pay the filing fee or file an application to proceed *in forma pauperis*.

II. Discussion

Rule 41(b) of the Federal Rules of Civil Procedure allows a court to dismiss an action *sua sponte* for failure to prosecute or for failure to comply with the federal rules or

any court order. *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998). “This authority [under Rule 41(b)] flows from the court’s inherent power to control its docket and prevent undue delays in the disposition of pending cases.” *Boudwin v. Graystone Ins. Co., Ltd.*, 756 F.2d 399, 401 (5th Cir. 1985) (citing *Link v. Wabash, R.R. Co.*, 370 U.S. 626 (1962)). Petitioner has failed to comply with the Court’s deficiency order. Accordingly, his petition for writ of habeas corpus is dismissed without prejudice for want of prosecution.

IT IS SO ORDERED.

Signed this 11th day of December, 2013.


Ed Kinkeade
ED KINKEADE
UNITED STATES DISTRICT JUDGE